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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,788	03/28/2001	Daniel J. Reese	10191/3242	2648
26646 7590 03/03/2010 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER NGUYEN, HUY THANH				
ART UNIT 2621		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/819,788

**Applicant(s)**

REESE ET AL.

**Examiner**

HUY T. NGUYEN

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 9-13, 15-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-13, 15-18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement (IDS) (PTO/SEA-3)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 December 2009 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3,5-6,9-11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner et al (6,181,867) in view of Nakamura (5,923,817).

Regarding claims 1,12 and 17, Kenner discloses a first digital video recorder-controller apparatus (DVRC) (PIM,(Fig. 1, columns 3 and 13): comprising:  
a network port for communicatively connecting the first DVRC with at least one other apparatus (SRU) on a network (column 5, line 50 to column 6,line 38)  
wherein the first DVRC is adapted to transmit through the network port a first selection of digitized video signals, wherein the first selection includes one or more digitized video signals being transmitted to a first other apparatus on the network;  
and wherein the first DVRC is further adapted to receive through the network port a second selection of digitized video signals, wherein the second selection includes one or more digitized video signals being transmitted by a second other apparatus on the network, wherein the second other apparatus is one of a digital video recorder (DVR) or a second DVRC;  
wherein the first DVRC is adapted to facilitate designation of the digitized video signals of the second selection, and wherein the first DVRC is further adapted to transmit a first control signal to the second other apparatus, 'wherein the first control signal designates the one or more video signals of the second selection of digitized video signals to be transmitted by the second other apparatus.

Kenner fails to teach using an Ethernet port for the network port. Nakamura teaches using an Ethernet port as a network port for communicating, and transmitting information and video signals (column 4, lines 20-26). It would have been obvious to one of ordinary skill in the art to modify Kenner with Nakamura by using an Ethernet port as an alternative to the network port of Kenner for transmitting the selection of video signals and/or control signal of Kenner .

Further for claim 17, Kenner teaches display means (column 5, lines 50-60).

Regarding claim 2, Kenner teaches the DVRC of claim 1, further comprising an integrated control panel having dedicated function buttons adapted to facilitate selecting one or more video signals of the first selection and of the second selection (column 6, line 50-60).

Regarding claim 3, Kenner teaches the DVRC of claim 1: further comprising an external control port, adapted to facilitate selecting one or more video signals of the first selection and of the second selection (column 3, lines 43-60).

Regarding claim 4 , Kenner teaches the DVRC of claim 1 further comprising a plurality of video- out ports adapted to display one more video Signals derived from the first selection or from the second selection; and wherein the first DVRC is adapted to record one or more video signals of the second selection of digitized video signals (column 5, lines 50-65).

Regarding claim 5, Kenner teaches the DVRC of claim 1, wherein the first other apparatus is a second DVRC on the network (column 6, lines 1-35).

Regarding claim 6, Kenner teaches the second other apparatus is a digital video recorder (DVR) (column 5, line 60 to column 6, line 15).

Regarding claim 9, Kenner teaches The DVRC Of claim 1, wherein the second other apparatus is a second DVRC operating in slave-mode on the network (Fig. 1, column 5, lines 30-42).

Regarding claim 10, Kenner further teaches the DVRC of claim 1, further comprising a plurality of Analog video-in ports for receiving one or more video signals to be digitized to become one or more digitized video signals (column 5, lines 55-68).

Regarding claim 11, Kenner teaches the DVRC of claim 1, further comprising at least one digital video-in port for receiving one or more digitized video signals (column 5, lines 60-68)..

Regarding claim 20, Kenner teaches connection I additional DVRs to the network (Fig. 1).

4. Claims 1-6,9-13, 15-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (6,002,995) in view of Marchese (6,891,566).

Regarding claims 1, 12, 17 Suzuki discloses a first digital Video recorder-controller apparatus (DVRC) (Figs. 6, column 2, lines 38-50, column 4, lines 35-65, column 5): comprising:

a network port for communicatively connecting the first DVRC (40) with at least one other apparatus on a network (column 5, line 50 to column 6, line 38), wherein the first DVRC is adapted to transmit through the network port a first selection of digitized video signals, wherein the first selection includes one or more digitized video signals being transmitted to a first other apparatus on the network; and wherein the first DVRC is further adapted to receive through the network port a second selection of digitized video signals, wherein the second selection includes one or more digitized video signals being transmitted by a second other apparatus on the network, wherein the second other apparatus is one of a digital video recorder (DVR) or a second DVRC;

wherein the first DVRC is adapted to facilitate designation of the digitized video signals of the second selection, and wherein the first DVRC is further adapted to transmit a first control signal to the second other apparatus, 'wherein the first control signal designates the one or more video signals of the second selection of digitized video signals to be transmitted by the second other apparatus.

Suzuki fails to teach using an Ethernet port for the network port. Marchese teaches using an Ethernet port as a network port for communicating, and transmitting information and video signals (Fig. 1, column 2, lines 10-25). It would have been obvious to one of ordinary skill in the art to modify Suzuki with Marchese by using an Ethernet port as an alternative to the network port of Suzuki for transmitting the selection of video signals and/or control signal of Suzuki.

Further for claim 12, Suzuki teaches a plurality of cameras (Fig. 6).

Further for claim 17, Suzuki teaches display means (column 5, lines 30-55).

Regarding claim 2, Suzuki teaches the DVRC of claim 1, further comprising an integrated control panel having dedicated function buttons adapted to facilitate selecting one or more video signals of the first selection and of the second selection (column 4).

Regarding claim 3, Suzuki teaches the DVRC of claim 1: further comprising an external control port, adapted to facilitate selecting one or more video signals of the first selection and of the second selection (column 4, lines 25-65).

Regarding claim 4, Suzuki teaches the DVRC of claim 1 further comprising a plurality of video out ports adapted to display one or more video signals derived from the first selection or from the second selection; and wherein the first DVRC is adapted to record one or more video signals of the second selection of digitized video signals (column 4, lines 25-30, column 5, Fig. 6).



Regarding claim 5, Suzuki further teaches the first other apparatus is a second DVRC on the network (Figs. 6,7).

Regarding claim 6, Suzuki teaches the second other apparatus is a digital video recorder (DVR) (column 5, 55-67).

Regarding claim 9, Suzuki teaches The DVRC Of claim 1, wherein the second other apparatus is a second DVRC operating in slave-mode on the network (Fig. 6, column 5-6).

Regarding claim 10, Suzuki further teaches the DVRC of claim 1, further comprising a plurality of Analog video-in ports for receiving one or more video signals to be digitized to become one or more digitized video signals (column 5, lines 55-68).

Regarding claim 11, Suzuki teaches the DVRC of claim 1, further comprising at least one digital video-in port for receiving one or more digitized video signals (column 5, lines 55-67).

Regarding claim 13, Suzuki teaches the digital video recording system of claim 12, wherein at least one video camera of the first plurality of video cameras is an Analog

video camera, and at least one video camera of the second plurality of video cameras is an Analog video camera.

Regarding claim 15, Suzuki teaches the digital video system of claim [[14]] 12, wherein the DVRCs adapted to output through the DVRCs first plurality of video-out ports one or more of the digitized video signals of the second selection of digitized video signals (figs.6-8).

Regarding claim 16, Suzuki teaches the digital video system of claim 12, wherein the DVRC is adapted to record and store one or more of the digitized video signals of the second selection of digitized video signals (column 5, lines 54-65).

Regarding claim 18, Suzuki teaches 18. the method claim 17, wherein providing a DVRC includes modifying internal software of a DVR(Fig. 7).

Regarding claim 20, Suzuki teaches connecting additional DVRs to the network (Figs. 6-8).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Higashimura teaches a network surveillance unit for transmitting a selected video signal from a camera.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/  
Primary Examiner, Art Unit 2621